

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  NORTHWEST RURAL ELECTRIC COOPERATIVE, d/b/a LE MARS COMMUNICATIONS	DOCKET NO. 199 IAC 39.2(4)
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**ORDER DESIGNATING ELIGIBLE CARRIER**

(Issued September 17, 2002)

On August 19, 2002, Northwest Rural Electric Cooperative, d/b/a Le Mars Communications (Le Mars), filed with the Utilities Board (Board) an application for universal service eligible carrier status in Iowa. Le Mars asks that the Board designate it as an eligible telecommunications carrier (ETC) pursuant to 199 IAC 39.2(4). No objections have been filed regarding this application.

Board rule 39.2(4) provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission (FCC) regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier, as set forth in subrule 39.2(4):

- 1) Offer the services supported by the federal universal service

fund;

2) Offer the services using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" include purchased unbundled network elements);

3) Advertise the availability of the supported services; and

4) Offer the services throughout the designated service area.

In its request for designation, Le Mars states that it satisfies each of these requirements. Based on that representation, the Board finds that Le Mars offers the services supported by the federal universal service fund, using its own facilities or a combination of its own facilities and resale. The Board also finds that Le Mars advertises and offers the services throughout its designated service area.

The Board also notes that pursuant to a recent federal mandate, Le Mars is required to file a certification regarding its use of universal service funds with the Board. This filing will be made pursuant to the Board's recently adopted subrule 199 IAC 22.2(7).

**IT IS THEREFORE ORDERED:**

1. Eligible telecommunications carrier status is granted to Northwest Rural Electric Cooperative, d/b/a Le Mars Communications, as requested on August 19, 2002. The designated service area shall be Le Mars Communications' service territory as established in its certificate of public convenience and necessity.

2. The Executive Secretary of the Board shall mail copies of this order to Northwest Rural Electric Cooperative, d/b/a Le Mars Communications, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17<sup>th</sup> day of September, 2002.